

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings include Replacement Sheets for Figures 6A-6B, 7, 8A-8B, and 11. As explained in the Remarks to the Office Action, Figures 6A, 7, 8A, and 11 have been amended in response to the Draftperson's Objections.

Attachments: 4 Replacement Sheet: Figures 6A-6B, 7, 8A-8B, and 11

REMARKS

Claims 1-29 are pending in this application. In the Office Action dated September 8, 2006, the Examiner rejected claims 1-5 and 9-14. Claims 6-8 and 15-29 have been withdrawn from consideration as directed to a non-elected invention.

In the Office Action, the Examiner rejected claims 9, 11, 13, and 14 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,466,017 ("Malvin"). Claims 10 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Malvin. Claims 1-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Malvin in view of U.S. Patent No. 4,821,245 ("Reidlinger"). The Examiner also indicated that if claim 9 were found allowable, claim 13 would be objected to under 37 C.F.R. 1.75 as being a substantial duplicate of claim 9. Finally, the Draftsperson objected to Figures 6A, 7, 8A, and 11 under 37 CFR 1.84(l) for poor line quality

As indicated above, Applicant has amended claims 1, 5, 9, 11, and 14 and canceled claim 13. Applicant has also amended Figures 6A, 7, 8A, and 11. In light of these amendments and the remarks below, Applicant respectfully requests that the rejections be withdrawn.

I. Rejection of Claims 9, 11 and 14 Under 35 U.S.C. § 102(b) and Claims 10 and 12 Under 35 U.S.C. § 103

The Examiner rejected claims 9, 11, and 14 as anticipated by Malvin and claims 10 and 12 as obvious over Malvin. In order to anticipate a claim, a reference must teach each and every element of the claim. MPEP § 2131 (8th ed., revised Aug. 2006). To establish a *prima facie* case of obviousness under § 103, the MPEP requires that the Examiner demonstrate (1) some suggestion or motivation to modify the reference or

combine reference teachings; (2) a reasonable expectation of success; and (3) that the prior art references teach or suggest all the claim limitations. MPEP § 2142.

Claims 9-10, as amended, require (1) “a method of vibrating a tooling to break apart clumps of solid media in the tooling, the media being added to provide rigidity during processing” and (2) “breaking at least one clump of solid media into smaller pieces of solid media by producing a vibration in the tooling.” Similarly, claims 11, 12, and 14, as amended, require (1) “an elastomeric tooling for forming a structure, the tooling including a cavity capable of being filled with a solid media in order to provide rigidity to the tooling during processing”; and (2) either a vibration component or vibration means for “producing a vibration in the tooling sufficient to break apart at least one clump of solid media in the cavity into smaller pieces of solid media.” Because Malvin does not teach or suggest at least these elements of claims 9-12 and 14, Applicant respectfully requests that the rejection of these claims under § 102 and § 103 be withdrawn.

Malvin discloses an ultrasonic wave generator having two oppositely disposed electromagnets attached to flexible plates. (Col. 3, l. 60-75.) When the electromagnets are activated and deactivated, an attractive and repulsive force is alternately created. (Col. 3, l. 60-75.) These forces cause the flexible plates to move toward and away from one another and thereby generate compressional waves. (Col. 3, l. 75 - Col. 4, l. 2.) Malvin discloses only the use of the device as a wave generator in a cleaning tank. (Col. 4.)

Malvin does not teach or suggest “a method of vibrating a tooling to break apart clumps of solid media in the tooling, the media being added to provide rigidity during

processing” or “an elastomeric tooling for forming a structure, the tooling including a cavity capable of being filled with a solid media in order to provide a desired shape to the tooling,” as required by claims 9-12, and 14. In fact, Malvin does not disclose a tooling at all, let alone the use of solid media in a tooling. Moreover, Malvin does not disclose “breaking at least one clump of solid media into smaller pieces of solid media by producing a vibration in the tooling,” as required by claims 9 and 10, or a vibration component or vibration means for “producing a vibration in the tooling sufficient to break apart at least one clump of solid media in the cavity into smaller pieces of solid media” as required by claims 11, 12, and 14. As noted, Malvin contains no disclosure of solid media at all. Therefore, Malvin does not teach or suggest breaking a clump of solid media in a tooling into smaller pieces or a vibration component or vibration means to break a clump of solid media into smaller pieces.

Therefore, since Malvin does not teach or suggest these elements of claims 9-12 and 14, Applicant respectfully requests that the rejection of these claims under 35 U.S.C. §§ 102 and 103 be withdrawn.

II. Rejection of Claims 1-5 Under 35 U.S.C. 103(a)

The Examiner has rejected claims 1-5 under 35 U.S.C. 103 as obvious over Malvin in view of Reidlinger. As set forth above, to establish a *prima facie* case of obviousness under § 103, the MPEP requires that the Examiner demonstrate (1) some suggestion or motivation to modify the reference or combine reference teachings; (2) a reasonable expectation of success; and (3) that the prior art references teach or suggest all the claim limitations. MPEP § 2142 (8th Ed., revised Oct. 2005). Because

Malvin and Reidlinger do not teach or suggest all the limitations of claims 1-5, as amended, Applicant respectfully requests that this rejection be withdrawn.

Claims 1-5, as amended, all require (1) a "vibration apparatus for tooling to break apart clumps of solid media in the tooling, the media being added to provide rigidity during processing" comprising (2) "an elastomeric tooling for forming a structure"; and (3) a cavity in a container in the tooling, wherein the cavity is capable of being filled with a solid media in order to provide rigidity to the tooling during processing; and (4) wherein the vibration apparatus "vibrates the tooling sufficiently to break apart any clumps of solid media in the cavity into smaller pieces of solid media." As explained above, Malvin fails to disclose an elastomeric tooling at all, let alone the use of solid media inside a tooling, or an apparatus for breaking apart clumps of solid media in the tooling. Reidlinger also fails to make any such disclosure.

Reidlinger discloses an electromagnetic transducer for generating acoustic pulses. (Abstract.) The transducer of Reidlinger includes conductors embedded in a plastics housing used to generate a sonic pulse into a transmission medium. (Col. 5, l. 12-35.) This transmission medium is disclosed only to be a "fluid or more particularly liquid." (Col. 5, l. 35-36.) The transducer is then coupled to a patient where it can be used to generate an acoustic pulse on the patient's body.

Reidlinger does not disclose any tooling, elastomeric or otherwise, for forming a structure. Moreover, Reidlinger does not disclose a tooling with a cavity capable of being filled with a solid media in order to provide rigidity during processing. Finally, Reidlinger fails to disclose creating a vibration in a tooling to break apart solid media in the tooling. Therefore, Reidlinger also fails to teach or suggest the following elements

of claims 1-5, as amended: (1) a “vibration apparatus for tooling to break apart clumps of solid media in the tooling, the media being added to provide rigidity during processing”; (2) “an elastomeric tooling for forming a structure”; (3) a cavity in a container in the tooling, wherein the cavity is capable of being filled with a solid media in order to provide a desired shape to the tooling; and (4) wherein the vibration apparatus “vibrates the tooling sufficiently to break apart any clumps of solid media in the cavity into smaller pieces of solid media.”

Therefore, since Reidlinger and Malvin do not teach or suggest all the limitations of claims 1-5, Applicant respectfully asserts that a *prima facie* case of obviousness cannot be established over those references. Therefore, Applicant respectfully requests that the rejection be withdrawn.

III. Objection to Figures 6A, 7, 8A, and 11

The Draftsperson objected to Figures 6A, 7, 8A, and 11 under 37 CFR 1.84(l) for poor line quality. As can be seen from the attached Replacement Drawing Sheets for Figures 6A-6B, 7, 8A-8B, and 11, Applicant has amended Figures 6A, 7, 8A, and 11 to correct this issue. No other changes have been made to Figures 6A, 7, 8A, and 11. In addition, since in the original drawings, Figures 6A and 8A were contained on the same drawing sheets as Figures 6B and 8B, respectively, the Replacement Sheets also include Figures 6B and 8B. No changes have been made, however, to Figures 6B and 8B.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: December 8, 2006

By: 

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